

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

MARCIE FISHER-BORNE, for herself and as guardian ad litem for M.F.-B., a minor;
CHANTELLE FISHER-BORNE, for herself and as guardian ad litem for E.F.-B., a minor; TERRI BECK; LESLIE ZANAGLIO, for herself and as guardian ad litem for T.B.Z. and D.B.Z., both minors; SHANA CARIGNAN; MEGAN PARKER, for herself and as guardian ad litem for J.C., a minor; LEIGH SMITH; CRYSTAL HENDRIX, for herself and as guardian ad litem for J.H.-S., a minor; DANA DRAA; LEE KNIGHT CAFFERY, for herself and as guardian ad litem for M.M.C.-D. and M.L.C.-D., both minors; SHAWN LONG; CRAIG JOHNSON, for himself and as guardian ad litem for I.J.-L., a minor;

Plaintiffs,

v.

Case No. 1:12-cv-00589

JOHN W. SMITH, in his official capacity as the Director of the North Carolina Administrative Office of the Courts; THE HONORABLE DAVID L. CHURCHILL, in his official capacity as Clerk of the Superior Court of Guilford County; THE HONORABLE ARCHIE L. SMITH III, in his official capacity as Clerk of the Superior Court for Durham County; ROY COOPER, in his official capacity as the Attorney General of North Carolina; WILLIE COVINGTON, in his official capacity as the Register of Deeds for Durham County; and JEFF THIGPEN, in his official capacity as the Register of Deeds for Guilford County;

Defendants.

MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT

NOW COMES the Defendant, Willie Covington, in his Official Capacity as Register of Deeds of Durham County, by and through undersigned counsel, and moves this Court to dismiss this action pursuant to Rules 12(b) (1) and (6) of the Federal Rules of Civil Procedure on the grounds that the Court lacks subject matter jurisdiction over the claim and because the Plaintiffs have failed to state a claim upon which relief can be granted due to standing.

This the 10th day of September, 2013.

/s/ Kathy R. Everett-Perry
Kathy R. Everett-Perry
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing MOTION TO DIMISS was filed electronically with the Clerk of Court using the CM/ECF system, which will serve a copy by email to counsels of record, as listed below.

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This the 10th day of September, 2013.

/s/ Kathy R. Everett-Perry
Kathy R. Everett-Perry
Assistant County Attorney